

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tammy J. Hayhurst
Debtor(s)

Bankruptcy Case No.: 17-25006-GLT
Issued Per 12/5/2019 Proceeding
Chapter: 13
Docket No.: 56 - 44
Concil. Conf.: December 5, 2019 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 7, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,662.00 as of December, 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 5, 2019 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 8 of Wells Fargo, with payment changes of record .
- ☒ H. Additional Terms: Claim No. 6 of VW Credit Leasing to be paid per Section 6.1 of Plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: December 9, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Tammy J. Hayhurst
 Debtor

Case No. 17-25006-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 33

Date Rcvd: Dec 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 11, 2019.

db
 14745151 +Tammy J. Hayhurst, 705 Skyline Drive, Ellwood City, PA 16117-1449
 +Chase, PO Box 15298, Wilmington, DE 19850-5298
 14745152 +Citi Cards/Citibank, PO Box 6247, Sioux Falls, SD 57117-6247
 14745154 +Commercial Acceptance Co, 2 W. Main Street, Camp Hill, PA 17011-6326
 14745157 +James P. Valecko, Esq., Weltman, Weinberg & Reis Co. LPA, 436 7th Ave, Ste 2500,
 Pittsburgh, PA 15219-1842
 14745161 +Macy's, PO Box 8218, Mason, OH 45040-8218
 14745163 +PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
 14778273 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14756349 Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14764705 +VW Credit Leasing, Ltd, c/o VW Credit, Inc., PO Box 9013, Addison, Texas 75001-9013
 14770595 Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road,
 Eagan MN 55121-7700
 14745167 +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14757119 +E-mail/Text: ACF-EBN@acf-inc.com Dec 10 2019 03:19:25 Atlantic Credit & Finance,
 PO Box 13386, Roanoke, VA 24033-3386
 14745149 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 10 2019 03:22:18 Capital One,
 PO Box 30285, Salt Lake City, UT 84130-0285
 14745150 +E-mail/Text: bankruptcy@caavps.com Dec 10 2019 03:20:32 Cavalry Portfolio Service,
 500 Summit Lake Drive, Valhalla, NY 10595-2322
 14746705 +E-mail/Text: bankruptcy@caavps.com Dec 10 2019 03:20:32 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14745153 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Dec 10 2019 03:20:05
 Comenity Bank/Victorias Secret, Bankruptcy Department, PO Box 182125,
 Columbus, OH 43218-2125
 14745155 +E-mail/PDF: creditonebknofications@resurgent.com Dec 10 2019 03:22:48 Credit One Bank,
 PO Box 98873, Las Vegas, NV 89193-8873
 14745156 E-mail/Text: mrdiscen@discover.com Dec 10 2019 03:19:55 Discover, PO Box 30943,
 Salt Lake City, UT 84130
 14758768 E-mail/Text: bnc-quantum@quantum3group.com Dec 10 2019 03:20:08
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14748194 E-mail/Text: mrdiscen@discover.com Dec 10 2019 03:19:55 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14745158 +E-mail/PDF: gecsed@recoverycorp.com Dec 10 2019 03:22:40 JCPenney, Synchrony Bank,
 Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 14745159 +E-mail/Text: bknotificationdistribution@jhcapiatgroup.com Dec 10 2019 03:20:50
 JH Portfolio Debt Equities, 5757 Phantom Drive, Ste 225, Hazelwood, MO 63042-2429
 14778973 E-mail/PDF: resurgentbknofications@resurgent.com Dec 10 2019 03:22:49
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14757131 +E-mail/Text: bk@lendingclub.com Dec 10 2019 03:20:35 Lending Club,
 71 Stevenson Street, Ste 300, San Francisco, CA 94105-2985
 14745160 +E-mail/Text: bk@lendingclub.com Dec 10 2019 03:20:35 Lending Club,
 71 Stevenson Street, Ste 1000, San Francisco, CA 94105-2967
 14765489 +E-mail/Text: bankruptcydpt@mcsmc.com Dec 10 2019 03:20:19 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 14745162 +E-mail/Text: bankruptcydpt@mcsmc.com Dec 10 2019 03:20:19 Midland Funding, LLC,
 2365 Northside Drive, Ste 300, San Diego, CA 92108-2709
 14745164 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 10 2019 03:23:24
 Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541
 14745743 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 10 2019 03:23:22
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14775913 E-mail/Text: bnc-quantum@quantum3group.com Dec 10 2019 03:20:08
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14745165 E-mail/Text: vci.bkcy@vwcredit.com Dec 10 2019 03:20:27 Volkswagen Credit, Po Box 3,
 Hillsboro, OR 97123
 14745166 +E-mail/PDF: gecsed@recoverycorp.com Dec 10 2019 03:23:15 Walmart, Synchrony Bank,
 Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr VW Credit Leasing, Ltd
 cr WELLS FARGO BANK, N.A.
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14757120* +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 14757121* +Cavalry Portfolio Service, 500 Summit Lake Drive, Valhalla, NY 10595-2322
 14757122* +Chase, PO Box 15298, Wilmington, DE 19850-5298
 14757123* +Citi Cards/Citibank, PO Box 6247, Sioux Falls, SD 57117-6247
 14757124* +Comenity Bank/Victorias Secret, Bankruptcy Department, PO Box 182125,
 Columbus, OH 43218-2125

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 33

Date Rcvd: Dec 09, 2019

***** BYPASSED RECIPIENTS (continued) *****
14757125* +Commercial Acceptance Co, 2 W. Main Street, Camp Hill, PA 17011-6326
14757126* +Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
14757127* ++DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
(address filed with court: Discover, PO Box 30943, Salt Lake City, UT 84130)
14757129* +JCPenney, Synchrony Bank, Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
14757130* +JH Portfolio Debt Equities, 5757 Phantom Drive, Ste 225, Hazelwood, MO 63042-2429
14757128* +James P. Valecko, Esq., Weltman, Weinberg & Reis Co. LPA, 436 7th Ave, Ste 2500,
Pittsburgh, PA 15219-1842
14757132* +Macy's, PO Box 8218, Mason, OH 45040-8218
14757133* +Midland Funding, LLC, 2365 Northside Drive, Ste 300, San Diego, CA 92108-2709
14757134* +PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180
14757135* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541)
14756502* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
14757136* +Toyota Motor Credit Corporation, c/o Becket & Lee LLP, PO Box 3001,
Malvern, PA 19355-0701
14757137* ++VOLKSWAGEN CREDIT UNION, 1401 FRANKLIN BLVD, LIBERTYVILLE IL 60048-4460
(address filed with court: Volkswagen Credit, Po Box 3, Hillsboro, OR 97123)
14757138* +Walmart, Synchrony Bank, Attn: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
14757139* +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
TOTALS: 2, * 21, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 9, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor VW Credit Leasing, Ltd bkgroup@kmlawgroup.com
Jill Manuel-Coughlin on behalf of Creditor WELLS FARGO BANK, N.A. jill@pkallc.com,
chris.amann@pkallc.com;nick.bracey@pkallc.com;samantha.gonzalez@pkallc.com;harry.reese@pkallc.com
;mary.raynor-paul@pkallc.com;amanda.rauer@pkallc.com
Keri P. Ebeck on behalf of Creditor VW Credit Leasing, Ltd kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Michael C. Eisen on behalf of Debtor Tammy J. Hayhurst attorneyeisen@yahoo.com,
aarin96@hotmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6